

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Ervin Middleton,

Plaintiff

V.

Omely Telecom Corp.,

Defendant

2:16-cv-01369-JAD-GWF

**Order Adopting Report and
Recommendation re: Sam Bateman's
Motion to Dismiss**

[ECF Nos. 28, 29]

Sam Bateman became a defendant in this case when plaintiff Ervin Middleton filed an unauthorized first amended complaint. That pleading, and the summonses that corresponded to it, were stricken on September 19, 2017,¹ and Bateman is no longer a defendant in this case. Nevertheless, Mr. Bateman filed a motion to dismiss the claims against him.² Magistrate Judge Foley recommends that I deny the motion as moot because Mr. Bateman is no longer a party to his case.³

The report and recommendation was entered October 11, 2017, making October 25, 2017, the deadline to file an objection. No party has filed an objection to the report and recommendation. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.”⁴ Accordingly, with good cause appearing and no reason to delay, IT

¹ ECF No. 19.

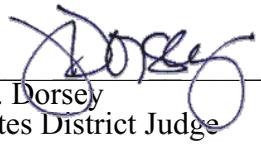
² ECF No. 28.

³ ECF No. 29

⁴ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyn-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IS HEREBY ORDERED that Magistrate Judge Foley's report and recommendation [ECF No.
2 **29**] is ACCEPTED and ADOPTED; Sam Bateman's Motion to Dismiss [ECF No. 28] is
3 DENIED as moot.

4 DATED: October 26, 2017.

5 
6 Jennifer A. Dorsey
7 United States District Judge